IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.1812/2007

(Harish Ramchandani & Ors. Vs. State of Raj.)

Date of Order : 21.11.2007

HON'BLE MR. H.R. PANWAR, J.

None present for petitioners.
Mr. Ashok Upadhyay, P.P.

No one appears for the petitioners.

By the instant criminal misc petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 4th May, 2007 passed by the Chief Judicial Magistrate, Chittorgarh (for short `the trial court'), whereby the trial court on filing the challan by the police against the petitioners for the offence under Section 498A IPC, took the cognizance and posted the matter for argument on the charge.

On careful perusal of the order impugned and the material available on record, it appears that the trial court came to the conclusion that the offence punishable under Section 498A

IPC, is made out against the petitioners and on the basis of which the trial court took cognizance. The order taking cognizance cannot be said to be erroneous warranting any interference under the inherent jurisdiction under Section 482 of the Code and it cannot be said that the impugned order would result in serious miscarriage of justice or abuse of the process of the Court.

In view of above, no case for interference is made out. The instant criminal misc. petition is, therefore, dismissed. However, it will be open for the petitioners to raise all contentions which have been raised in this petition at the time of framing of charge before the trial court.

(H.R. PANWAR), J.

vij

S. B. Criminal Misc. Stay Petition No.1454/2007
In
S.B. Criminal Misc. Petition No.1812/2007

Date of Order : 21.11.2007

HON'BLE MR. H.R. PANWAR, J.

None present for petitioner.
Mr. Ashok Upadhyay, P.P.

Since the main petition itself has been dismissed, the stay petition also stands dismissed.

(H.R. PANWAR), J.

vij